

REMARKS

Claims 1, 2, 6-13, 16-20 are pending. Claims 3-5, 14-15 have been canceled. No claims have been withdrawn.

Support for the amendment to claim 1 is found in as-filed claim 5.

The amendment to claim 6 simply adds all of the limitations from claim 1 and so now puts claim 6 in independent form.

Claims 1-2,5-8,10,12-15,17 and 20 stand rejected under 35 USC 102 as being anticipated by US Published Patent Application 2003/0220691 (Songer).

The Figures (FIG. 11E-H) and the portion of the specification (paragraph 62) in Songer that have been cited by the Examiner disclose an elastomeric shock absorbing ring 196 that has been simply interposed between the peripheral surfaces of the respective endplates. Songer does not teach or suggest that this elastomeric shock absorbing ring 196 should be tenaciously attached to the respective inner surface of each endplate (as does present claim 1), or that the inner surface of each prosthetic endplate comprises a channel, wherein each peripheral surface of the shock-absorbing component is adapted to fit within the respective channel (as does present claim 6).

Accordingly, the present anticipation rejection over Songer should be withdrawn.

Claims 9, 11 and 16, stands rejected under 35 USC 103 as being unpatentable over US Published Patent Application 2003/0220691 (Songer).

As these claims contain all of the limitations of claim 1, these claims are patentable over Songer for the reasons provided above.

Accordingly, this rejection should be withdrawn for the reasons provided above.

Claims 18 and 19 stand rejected under 35 USC 103 as being unpatentable over US Published Patent Application 2003/0220691 (Songer) in view of US Patent No. 6,749,635 (Bryan).

As these claims contain all of the limitations of claim 1, and Bryan has not been cited for the tenacious adherence of an elastomeric component or for a channel for seating an elastomeric component, these claims are patentable over Songer and Bryan for the reasons provided above.

Accordingly, this rejection should be withdrawn for the reasons provided above.

In addition, please provide any additional extensions of time which may be necessary and charge any fees which may be due to Deposit Account No. 10-0750, but do not include any payment of issue fees.

Should there be any remaining or further questions, the Examiner is requested to place contact the undersigned directly.

Respectfully submitted,

 9-1-05

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